

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 99-3249 MHP

REZA ESLAMINIA, et al.,

Plaintiff(s),

vs.

FEDERAL BUREAU OF INVESTIGATION, et al.,

Defendant(s).

**ORDER RE
FURTHER
SUBMISSIONS**

This Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, matter has been pending for a substantial period of time as the parties know, and through no fault of theirs. According to the record in this case the documents sought pursuant to FOIA were classified in August 1986. *See, e.g.,* Jt. State. Undisp. Facts ¶14. The exact date in August 1986 is not clear from the papers before the court. However, the August 1986 date appears to have some significance for this proceeding.

On December 29, 2009, the President of the United States signed Executive Order 13526, 75 Fed. Reg. 707 (Dec. 29, 2009)(replacing Executive Orders 13292 and 12958), effective June 27, 2010. In accordance with section 3.3(a) of the Order classified records that are more than 25 years old are to be automatically declassified. Specifically, it would appear under this section, the declassification shall occur at least by "December 31 of the year that is 25 years from the date of origin" unless action is taken under paragraphs (b)-(d) and (g)-(j) or the terms of those paragraphs are otherwise triggered. Thus, it would appear that at least by December 31, 2011 the records sought in this action will be automatically declassified in the absence of an exception under any of these subparagraphs.

1 In view of the court's understanding of the declassification provisions of Executive Order
2 13526, the court requests that defendants advise the court of their intentions with respect to
3 declassification; whether they intend to invoke any of the subparagraphs and, if so, identify them
4 and set forth the bases upon which they would seek such invocation. Also, if the court misperceives
5 the effect of the Executive Order, defendants shall explain their interpretation. Defendants shall file
6 this requested submission on or before September 15, 2011. Plaintiffs may respond on or before
7 September 30, 2011. No further submissions shall be made.

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9 IT IS SO ORDERED.

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11 Date: August 25, 2011


MARILYN HALL PATEL
United States District Court Judge
Northern District of California